

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests

PROPOSED RULE

11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators

PURPOSE: This rule provides operational requirements for fantasy sports contest operators (FSCOs).

- (1) Each licensed operator shall maintain on file with the commission the following:
 - (A) A current set of procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints;
 - (B) A current detailed description of the security standards utilized to prevent access to fantasy sports contests (FSC) by a person whose location and age have not been verified in accordance with section 313.940, RSMo;
 - (C) A detailed description of measures used to determine the true identity, date of birth, and address of each player seeking to open an account;
 - (D) A detailed description of the measures taken and procedures implemented to clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any FSC;
 - (E) A detailed description of the standards and procedures used to monitor FSC to detect the use of unauthorized scripts and restrict players found to have used such scripts from further FSC;
 - (F) A detailed description of its procedures and measures taken to clearly and conspicuously identify highly experienced players in FSC by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website; and
 - (G) A detailed description of its online self-exclusion process.
- (2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within five (5) days of any subsequent revision.
- (3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.940, RSMo.
- (4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.930 and 313.940, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including but not limited to independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.
- (5) Upon discovery of a registered account held by a minor, the FSCO shall promptly refund any money held in a minor's account, whether or not the minor has engaged in or attempted to engage in game play. A FSCO may refuse to award a prize to a minor upon a good-faith determination, following reasonable investigation, that the minor misrepresented his or her age in

order to enter the FSC, provided, however, that such prize must then be awarded to another participant in the contest who would have won the prize had the minor not participated.

(6) Prior to conducting any individually targeted advertising or marketing, but not more than once a week, the licensed operator shall do the following:

(A) Download the current List of Disassociated Persons (DAP List) and the MGC Excluded Persons List from the designated MGC server;

(B) For email marketing campaigns, compare the email addresses from the marketing list to the DAP List and the MGC Excluded Persons List and remove anyone whose email address is found to be on either List (DAP or Excluded);

(C) For direct mail marketing campaigns to non-registered players, search and remove from the marketing list any person who has the same name and address of any person found to be on either List (DAP or Excluded); and

(D) For direct mail marketing campaigns to registered players, search and remove from the marketing list any player who has the same date of birth, first or last name, and address of an individual on either List (DAP or Excluded).

(7) If a licensed operator ceases offering fantasy sports contests in Missouri, the licensed operator shall notify the commission of the date of cessation. Notice shall be provided within ten (10) days of the cessation.

AUTHORITY: sections 313.930, 313.940, 313.950, 313.1010, and 313.1020, RSMo (HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016). Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost seven (7) fantasy sports contest operators sixty-seven thousand eight hundred thirty-three dollars and twenty-one cents (\$67,833.21) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*